

Application No.: 10/806,272  
Amendment Dated: December 11, 2008  
Reply to Notice of: November 14, 2008

MTS-3514US

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of Claims:**

1. (Previously Presented) A data use management system comprising at least one receiving apparatus connected to a network and capable of receiving and using predetermined data, and a transmitting apparatus which transmits the data to said receiving apparatus via said network,

wherein use of the data on said network is managed on the basis of a transmitting time for transmission of predetermined information between said transmitting apparatus and said receiving apparatus,

wherein said transmitting apparatus has:

transmission time measuring means of measuring the transmission time for transmission of the predetermined information for measurement between said transmitting apparatus and said receiving apparatus;

reference time storage means of storing a plurality of reference times;

transmitting-side authentication means of comparing the transmission time and the plurality of reference times, thereby determining to which one of ranges of transmission time classified on the basis of the reference times the transmission time belongs, determining, on the basis of the result of said determination, whether or not said receiving apparatus having the transmission time is permitted to use the predetermined data, and performing authentication if said receiving apparatus is permitted to use the predetermined data; and

authentication count means of incrementing an authentication count which is a number of instances of authentication performed by said transmitting-side authentication means,

wherein said receiving apparatus has receiving-side authentication means of performing authentication with said transmitting-side authentication means, and

wherein said transmitting apparatus compares the authentication count with a maximum authentication count determined in advance with respect to each of the ranges of transmission time, and inhibits further authentication if the authentication count is larger than the maximum authentication count;

wherein said transmitting-side authentication means sets the maximum authentication count to a smaller value based on a result of said classification of the plurality of ranges so that a class with greater transmission time is set to the smaller value of the maximum authentication count.

2. (Cancelled).

3. (Previously Presented) A transmitting apparatus having a management function for enabling at least one receiving apparatus connected to a network and configured to receive and use data via said network, said transmitting apparatus comprising:

transmission time measuring means of measuring the transmission time for transmission of predetermined information between said transmitting apparatus and said receiving apparatus;

reference time storage means of storing a plurality of reference time;

transmitting-side authentication means of comparing the measured transmission time and the plurality of reference times to determine to which one of a plurality of ranges the transmission time belongs, the plurality of ranges being classified based on the plurality of reference times, and of determining, based on which one of the plurality of ranges the measured transmission time belongs, whether or not said receiving apparatus having the corresponding measured transmission time is permitted to use the data, and performing authentication if said receiving apparatus is permitted to use the data;

authentication count means of incrementing an authentication count which is a number of instances of authentication performed by said transmitting-side authentication means; and

a management function of comparing the incremented authentication count with a maximum authentication count determined in advance with respect to each of the plurality of ranges, and inhibiting further authentication if the incremented authentication count is larger than the maximum authentication count;

wherein said transmitting-side authentication means sets the maximum authentication count to a smaller value based on a result of said classification of the plurality of ranges so that a class with greater transmission time is set to the smaller value of the maximum authentication count.

4. (Previously Presented) The transmitting apparatus having the management function according to Claim 3,

wherein said receiving apparatus includes a unique identifier, and when said transmitting-side authentication means performs authentication with said receiving device, and the authentication of said receiving apparatus results in success, said transmitting-side authentication means identifies said receiving apparatus through said identifier.

5. (Previously Presented) The transmitting apparatus having the management function according to Claim 4, wherein, when an authentication request is sent, said transmitting-side authentication means determines, through said unique identifier, whether or not the authentication request received is from the same apparatus as said receiving apparatus for which authentication has already been made successfully.

6. (Previously Presented) The transmitting apparatus having the management function according to Claim 3, wherein if the incremented authentication count is equal to or larger than the predetermined maximum authentication count, said transmitting-side authentication means performs control such that said transmitting-side authentication means does not accept an authentication request from said receiving apparatus.

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7. (Previously Presented) The transmitting apparatus having the management function according to Claim 3, further comprising:

reference time setting means of setting the reference time based on a result of measuring the transmission time required for transmission of the predetermined information over a predetermined reference route.

8. (Cancelled).

9. (Previously Presented) The transmitting apparatus having the management function according to Claim 3, wherein said transmitting-side authentication means sets, with respect to each class in said classification, a count increment value by which said authentication count means increments a count.

10. (Previously Presented) The transmitting apparatus having the management function according to Claim 3, wherein the maximum authentication count is determined with respect to each class in classification of the plurality of ranges;

said authentication count means increments the incremented authentication count with respect to each class in said classification; and

said transmitting-side authentication means limits the incremented authentication count so that the incremented authentication count with respect to each class in said classification does not exceed the maximum authentication count.

11. (Previously Presented) The transmitting apparatus having the management function according to Claim 3, further comprising attribute information management means of managing attribute information about the data transmitted over said network,

wherein said transmitting-side authentication means limits the incremented authentication count based on the result of classification of the plurality of ranges and the attribute information.

12. (Original) The transmitting apparatus having the management function according to Claim 11, wherein copy control information is used as the attribute information.

13. (Previously Presented) The transmitting apparatus having the management function according to Claim 3, further comprising medium type determination means of determining a type of medium in transmission routes constituting said network,

wherein said transmitting-side authentication means sets the reference time according to the type of medium, and limits the incremented authentication count according to a result of classification of the plurality of ranges made based on the set reference time.

14. (Previously Presented) The transmitting apparatus having the management function according to Claim 13, wherein when said medium type determination means detects the existence of a plurality of types of medium in the transmission routes, and selects the transmission medium type presumed to have a longest transmission time among the detected transmission media, and

wherein said transmitting-side authentication means uses the selected type of medium for setting of the reference time.

15. (Previously Presented) The transmitting apparatus having the management function according to Claim 3, further comprising transmission mode determination means of determining a transmission mode in transmission routes constituting said network,

wherein said transmitting-side authentication means does not limit the incremented authentication count based on a result of classification of the plurality of ranges if the determined transmission mode is a predetermined transmission mode with no authentication count limitation with respect to the measured transmission time.

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16. (Previously Presented) The transmitting apparatus having the management function according to Claim 3, further comprising billing information management means of managing billing information,

wherein said transmitting-side authentication means limits the incremented authentication count based on a result of classification of the plurality of ranges and the billing information.

17. (Previously Presented) The transmitting apparatus having the management function according to Claim 4, wherein said transmitting-side authentication means registers the measured transmission time together with said unique identifier and keeps the maximum value of the authentication count equal to or smaller than a predetermined number by canceling at least one of the authentications of a plurality of the registered receiving apparatus if the authentication count reaches the maximum value when authentication is newly performed.

18. (Previously Presented) The transmitting apparatus having the management function according to Claim 17, wherein if the registered receiving apparatus has a measured transmission time longer than a transmission time measured at a time of newly performing authentication when the authentication of any one of the registered receiving apparatus is cancelled, said transmitting-side authentication means cancels the authentication of the registered receiving apparatus having a longest transmission time.

19. (Original) The transmitting apparatus having the management function according to Claim 3, further comprising updating means of updating, according to input information externally supplied, at least one of the reference time and authentication count limitation conditions used by said transmitting-side authentication means.

20. (Previously Presented) The transmitting apparatus according to any one of claims 3-7 and 9-19, wherein the data uses copyright protection.

21. (Previously Presented) A data use management method comprising steps of;

when transmitting data via a network from a transmitting apparatus to at least one receiving apparatus connected to the network and capable of receiving and using the data, permitting access to the data by the at least one receiving apparatus via the network based on a transmitting time for transmission of predetermined information between the transmitting apparatus and said receiving apparatus exceeding one value,

measuring the transmission time for transmission of the predetermined information between said transmitting apparatus and said receiving apparatus,

comparing the measured transmission time and plurality of reference times to determine to which one of a plurality of ranges the transmission time belongs, the plurality of ranges being classified based on the plurality of reference times, and determining, based on which one of the plurality of ranges the measured transmission time belongs, whether or not said receiving apparatus having the corresponding measured transmission time is permitted to use the data,

performing authentication if said receiving apparatus is permitted to use the data,

incrementing the authentication count which is a number of instances of authentication performed,

comparing the increased authentication count with a maximum authentication count determined in advance with respect to each of the plurality of ranges, and inhibiting further authentication if the incremented authentication count is larger than the maximum authentication count, and

setting the maximum authentication count to a smaller value based on a result of said classification of the plurality of ranges in the authentication so that a class with greater transmission time is set to the smaller value of the maximum authentication count.

22. (Previously Presented) A program stored on a computer-readable medium for making a computer act as

the transmission time measuring means of measuring the transmission time required for transmission of the predetermined information between said transmitting apparatus and said receiving apparatus, act as the reference time storage means of storing the at least one reference time act as the transmitting-side authentication means and act as the authentication count means of incrementing the incremented authentication count which is the number of instances of the authentication performed by said transmitting-side authentication means, according to claim 3.

23. (Currently Amended) A recording medium having the program stored thereon and configured to be processed using a computer, the program executing the method including

measuring the transmission time for transmission of predetermined information between a transmitting apparatus and a receiving apparatus;

storing a plurality of reference times;

comparing the measured transmission time and the plurality of reference times to determine to which one of a plurality of ranges the transmission time belongs, the plurality of ranges being classified based on the plurality of reference times;

determining, based on which one of the plurality of ranges the measured transmission time belongs, whether or not said receiving apparatus having the corresponding measured transmission time is permitted to use the data;

performing authentication if said receiving apparatus is permitted to use the data;

incrementing an authentication count which is a number of instances of authentication performed;

comparing the incremented authentication count with a maximum authentication count determined in advance with respect to each of the plurality of ranges; and

inhibiting further authentication if the incremented authentication count is larger than the maximum authentication count;

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setting the maximum authentication count to a smaller value based on a result of said classification of the plurality of ranges in the authentication so that a class with greater transmission time is set to the smaller value of the maximum authentication count.